CWC

FILED

2008 JAN 14 AM 9:44

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Derek Antwan SIMPSON** Defendant.	Magistrate Case No. '08 MJ 0086 KNK COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation (Felony)

The undersigned complainant being duly sworn states:

On or about **January 11, 2008**, within the Southern District of California, defendant **Derek Antwan SIMPSON**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Leticia DOMINGUEZ-Villanueva**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Claudia Rios

SIGNATURE OF COMPLAINANT
Claudia Rios, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF **JANUARY, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Alfredo Loperena, declare under penalty of perjury the following to be true and correct:

The complainant states that **Leticia DOMINGUEZ-Villanueva** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 11, 2008 at approximately 0540 hours, **Derek Antwan SIMPSON (Defendant),** was waiting in traffic lane #18 to make application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance. Defendant was the driver of a white Chevrolet pick up. A U.S. Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) received an alert from her Human/Narcotic Detection Dog to the presence of contraband from the Defendant's vehicle. An officer with U.S. Customs and Border Protection (CBP) Anti-Terrorist and Contraband Enforcement Team (AT-CET) approached defendant. Upon questioning, Defendant stated that he was the owner of the vehicle and was going to work in San Diego, California. Defendant also stated that he was not bringing anything with him from Mexico. The Defendant was escorted to the security office and the vehicle was referred to secondary for further inspection.

During secondary inspection, a person (undocumented alien) was discovered concealed in a non-factory compartment constructed from the vehicle's gas tank. The undocumented alien was held as a material witness and is now identified as **Leticia DOMINGUEZ-Villanueva (Material Witness).** Material Witness was determined to be a citizen of Mexico with no entitlements to enter the United States.

During a videotaped proceeding Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted he was to be paid $700 U.S. dollars to drive the vehicle into the United States and smuggle the alien. Defendant admitted knowledge of the concealed undocumented alien. Defendant admitted he is not the registered owner of the vehicle and admitted he was given a vehicle registration bearing his name to further the smuggling venture. Defendant admitted a previous apprehension for alien smuggling on September 24, 2007.

PROBABLE CAUSE STATEMENT (continued)

A videotaped interview was conducted with Material Witness. Material Witness stated that she is a citizen of Mexico and that she has no documents to lawfully enter the United States. Material Witness stated that she made arrangements with an unknown male in Mexico and was to pay $4,500.00 U.S. dollars to be smuggled into the United States. Material Witness stated her final destination was Los Angeles, California.

EXECUTED ON THIS 11th DAY OF **JANUARY 2008** AT **1200**.

#7440
Alfredo Loperena / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(2)** pages, I find probable cause to believe that the defendant named therein committed the offense on **January 11, 2008** in violation of Title 8, United States Code, Section 1324.

UNITED STATES MAGISTRATE JUDGE

1-12-08 @ 10:30AM
DATE / TIME